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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
6

7 MALCOLM LEWIS,

8 Plaintiff(s),

9 v.

10 KILOLO KIJAKAZI,

11 Defendant(s).

Case No. 2:23-cv-00090-NJK

Order

[Docket No. 1]

12 Plaintiff requests authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*
13 (Docket No. 1), and submitted a complaint (Docket No. 1-1).

14 **I. Application to Proceed *In Forma Pauperis***

15 Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application
16 has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly,
17 the application to proceed *in forma pauperis* will be granted pursuant to § 1915.

18 **II. Screening the Complaint**

19 When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen
20 the complaint. *See* 28 U.S.C. § 1915(e). With respect to social security appeals specifically, judges
21 in this District have outlined some basic requirements for complaints to satisfy the Court's
22 screening. First, the complaint must establish that administrative remedies were exhausted
23 pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after
24 notice of a final decision. Second, the complaint must indicate the judicial district in which the
25 plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when
26 the plaintiff claims to have become disabled. Fourth, the complaint must identify the nature of the
27 plaintiff's disagreement with the determination made by the Social Security Administration and
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1 show that the plaintiff is entitled to relief. *See, e.g., Graves v. Colvin*, 2015 WL 357121, *2 (D.
2 Nev. Jan. 26, 2015) (collecting cases).

3 The Court has reviewed the complaint, and finds these elements satisfied in this case.

4 **III. Conclusion**

5 Accordingly, the Court hereby **ORDERS** as follows:

- 6 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the
7 fees shall be paid if recovery is made. At this time, Plaintiff shall not be required to
8 pre-pay the filing fee.
- 9 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
10 prepayment of any additional fees or costs or the giving of a security therefor. The
11 Order granting leave to proceed *in forma pauperis* shall not extend to the issuance of
12 subpoenas at government expense.
- 13 3. The Clerk of Court shall file the Complaint.
- 14 4. The Clerk of Court shall provide notice of this action to the Commissioner pursuant to
15 Rule 3 of the Supplemental Rules for Social Security.
- 16 5. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been
17 entered by counsel, upon the attorney, a copy of every pleading, motion or other
18 document submitted for consideration by the court. Plaintiff shall include with the
19 original paper submitted for filing a certificate stating the date that a true and correct
20 copy of the document was personally served or sent by mail to the defendants or
21 counsel for the defendants. The Court may disregard any paper received by a district
22 judge or magistrate judge which has not been filed with the Clerk, and any paper
23 received by a district judge, magistrate judge or the Clerk which fails to include a
24 certificate of service.

25 IT IS SO ORDERED.

26 Dated: January 19, 2023

27 
28 Nancy J. Koppe
United States Magistrate Judge